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22 Partners, LP and Kenneth W. Mattson

23 UNITED STATES BANKRUPTCY COURT

24 NORTHERN DISTRICT OF CALIFORNIA

25 SANTA ROSA DIVISION

26 In Re:

Lead Case No. 24-10545

27 LEFEVER MATTSON, a California
28 corporation, et al.,

Jointly Administered

Debtors.

**APPLICATION TO DESIGNATE
CREDITOR KS MATTSON
PARTNERS, LP AS A "PERMITTED
PARTY" UNDER THE COURT'S
12/13/24 ORDER**

1 **TO: THE HONORABLE CHARLES NOVACK, UNITED STATES BANKRUPTCY**
2 **JUDGE, AT OAKLAND, CALIFORNIA:**

3 Creditor KS Mattson Partners, LP (“KSMP”) hereby applies to the Court to be included as
4 a “Permitted Party” under the Court’s Order on the Joint Motion Requesting for an Order (1)
5 Establishing Bar Date; (2) Approving Form and Manner of Notice of Bar Date and Procedures
6 Respect Thereto; and (3) Approving Confidentiality Protocol (Dkt. 459) (“Order”), and to direct
7 the Claims Agent, Kurtzman Carson Consultants, LLC dba Verita Global to provide KSMP with
8 copies of the Proof of Claims and Proof of Interests filed in in the above-captioned procedurally
9 consolidated case.

10 **I. BACKGROUND**

11 1. The Debtors and the Committee filed a Joint Motion Requesting for an Order (1)
12 Establishing Bar Date; (2) Approving Form and Manner of Notice of Bar Date and Procedures
13 Respect Thereto; and (3) Approving Confidentiality Protocol (“Joint Motion”) (Dkt. 366), on
14 November 22, 2024.

15 2. As relevant here, the Debtors and Official Committee of Unsecured Creditors
16 (“Committee”) sought a confidentiality protocol explaining it was “necessary and appropriate given
17 that, in addition to reducing Debtors’ potential exposure under data privacy laws like the [California
18 Consumer Privacy Act], confidential information submitted in and attached to the Investor Claim
19 Form can be (and in other bankruptcy cases, have been) used to perpetrate identity theft and
20 phishing scams.” Dkt. 366 at 17-18 (footnotes omitted).

21 3. The Order was entered approving the Joint Motion and the confidentially protocols
22 contained in the Joint Motion on December 13, 2024 (Dkt. 459).

23 4. Section (d)(iv) of the Joint Motion provides that, “investor Proofs of Interest and
24 Proofs of Claim and the information contained thereon and attached thereto shall be held and treated
25 as confidential by the Debtors, the Debtors’ counsel, and the Claims Agent and copies thereof may
26 be provided to the parties listed below (the “Permitted Parties”).”

27 5. Section (d)(iv) further provides that, “no party, including a Permitted Party, may
28 obtain copies of any Proof of Interest or Proof of Claim unless such party executes a confidentiality

1 agreement in a form mutually agreeable with the Debtors and Committee.” KSMP is prepared to
2 execute a confidentiality agreement consistent with those executed by other Permitted Parties.
3 Indeed, KSMP has previously executed the required declaration in order to access confidential
4 discovery material under the Court’s Protective Order. Dkt. 500 ¶ 4.2.4.

5 6. Section (d)(v)(8) of the Joint Motion provides that a “Permitted Party” can be “such
6 other persons as the Court allows after notice and an opportunity for hearing; provided, however,
7 that any such determination shall be made on no less than fourteen days’ prior notice to affected
8 Investors.”¹

9 **II. BASIS FOR RELIEF REQUESTED**

10 “The proof of claim plays the important role of alerting the court, trustee, and other
11 creditors, as well as the debtor, to claims against the estate and the creditor’s intention to enforce
12 the claims.” *In re Barker*, 839 F.3d 1189, 1195 (9th Cir. 2016) (cleaned up, emphasis added)
13 (quoting *In re Daystar of Cal., Inc.*, 122 B.R. 406, 408 (C.D. Cal. 1990)); *see also Adair v. Sherman*,
14 230 F.3d 890, 896 (7th Cir. 2000) (“The purpose of the proof of claim is to alert the court, trustee,
15 and other creditors, as well as the debtor, to claims against the estate.”) (cleaned up, emphasis
16 added). Consistent with this purpose, Section 107(a) of the Bankruptcy Code provides: “a paper
17 filed in a case under this title and the dockets of a bankruptcy court are public records and open to
18 examination by an entity at reasonable times without charge.” 11 U.S.C.A. § 107(a); *see also In re*
19 *Joyce*, 399 B.R. 382, 385 (Bankr. D. Del. 2009) (“[A]ll papers filed in bankruptcy cases and the
20 dockets of bankruptcy courts are public documents subject to examination by members of the
21 public.”). Section 105(a) empowers this Court to issue any order “necessary or appropriate to carry
22 out the provisions of [title 11].” 11 U.S.C. § 105(a).

23 KSMP is a 50% owner of Debtor LeFever Mattson. It is also an unsecured creditor of all of
24 the debtors in this case and timely filed its proof of claim documents. As the Ninth Circuit has
25 explained, the “important role” of the Proof of Claim and Proof of Interest filed in this action by
26 other creditors is, therefore, to “alert” KSMP of those other claims and the intention of other
27

28 ¹ KSMP will be seeking an expedited hearing on shortened time that complies with the Fourteen
Day Notice requirement.

1 creditors to enforce those claims. *See In re Barker*, 839 F.3d at 1195. Under the Bankruptcy Code,
2 KSMP has a presumptive right to view the Proof of Claim and Proof of Interest documents filed in
3 this action. 11 U.S.C.A. § 107(a).

4 In addition, the Debtors and Committee have made numerous public allegation that KSMP
5 and/or Kenneth Mattson were involved in “a years-long campaign of self-serving transactions,
6 many of which were not recorded in the books and records of LeFever Mattson, the Debtor, or any
7 of the other LPs or LLC.”² Among these allegations is a claim that certain investments were
8 “oversubscribed,” meaning that the total interests sold exceed 100%. The Proof of Claims and Proof
9 of Interests are relevant information for KSMP to evaluate and defend against such allegations and
10 to enable KSMP to assess the effect of such allegations on claims, interests and administration of
11 the case.

12 Nevertheless, the Debtors and the Committee have obtained an order deeming the Proof of
13 Claims and Proof of Interests filed in this action confidential with access limited to those
14 individuals named a “Permitted Party”. Creditors are not included in the list of “Permitted Party.”
15 But neither the Order nor the Joint Motion provide any basis to depart from the “important role”
16 that a proof of claim has in alerting other creditors of the claims against the estate in this proceeding.
17 KSMP and its professionals are ready, willing and able to execute a confidentiality agreement with
18 the Debtors and the Committee consistent with the agreement executed by other Permitted Parties
19 to obtain the Proof of Claims and Proof of Interests, as required in the Joint Motion.

20 Therefore, KSMP asks the Court to exercise its discretion to include KSMP in the scope of
21 “Permitted Party” under the Order and direct the Claims Agent to produce the filed Proof of Claims
22 and Proof of Interests at the offices of Fennemore LLP, 1111 Broadway, 24th Floor, Oakland,
23 California 94607, on or before April 1, 2025

24 A copy of the proposed *Order Designating KSMP as a Permitted Party* is attached hereto
25 as **Exhibit A**.

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28 ²Declaration of Bradley D. Sharp in Support of Chapter 11 Petitions and First Day Motions (Dkt.
5) (the “First-Day Decl.”), ¶ 27.

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Dated: March 28, 2025

FENNEMORE LLP

By: /s/ Mark Bostick
Micheline Nadeau Fairbank
Mark Bostick
Thiele R. Dunaway
James P. Hill
John M. McHugh
Attorneys for KS Mattson Partners,
LP and Kenneth W. Mattson

EXHIBIT A

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23 UNITED STATES BANKRUPTCY COURT
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26 In Re:

27 LEFEVER MATTSON, a California
28 corporation, et al.,

Debtors.

Lead Case No. 24-10545

Jointly Administered

**ORDER GRANTING APPLICATION
TO DESIGNATE CREDITOR KS
MATTSON PARTNERS, LP AS A
“PERMITTED PARTY” UNDER THE
COURT’S 12/13/24 ORDER**

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1 Upon Consideration of the Creditor KS Mattson Partners, LP's ("KSMP") *Application to*
2 *Designate Creditor KS Mattson Partners, LP as a "Permitted Party" Under the Court's 12/13/14*
3 *Order* (the "Application"). After due deliberation and sufficient cause appearing therefore,

4 IT IS HEREBY ORDERED THAT:

- 5 1. The Application is granted as provided herein;
- 6 2. KSMP and its counsel is designated as a "Permitted Party";
- 7 3. The Claims Agent is directed to produce the filed Proof of Claims and Proof of
8 Interests at the offices of Fennemore LLP, 1111 Broadway, 24th Floor, Oakland,
9 California 94607; and
- 10 4. The Court shall retain jurisdiction to determine any controversy arising in
11 connection with this Order.

12 **END OF ORDER**

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COURT SERVICE LIST

No court service is required.

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CERTIFICATE OF SERVICE

I, Jeanne Rose, declare:

I am a citizen of the United States and am employed in the County of Alameda. I am over the age of 18 years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California, 94607-4036.

On the date set forth below I caused to be served the following document(s):

**APPLICATION TO DESIGNATE CREDITOR KS MATTSON PARTNERS, LP AS A
“PERMITTED PARTY” UNDER THE COURT’S 12/13/24 ORDER**

on each party listed below in the following manner:

- ☐ BY FIRST CLASS MAIL: by placing said document(s) in a sealed envelope with postage fully prepaid, in a United States mail box at Oakland, California, addressed as set forth below.
- ☐ BY ELECTRONIC MAIL: by transmitting via email said document(s) to the email address set forth below.
- ☒ (ECF): Pursuant to controlling General Orders and LBR, the foregoing document(s) will be served by the court via Notice of Electronic Filing (“NEF”) and hyperlink to the document(s). On the date set forth below, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the list of parties to receive NEF transmission at the email addresses stated below:

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26 Pass-Through Certificates, Series 2015-C30

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 28, 2025, at Oakland, California.

/s/ Jeanne Rose
JEANNE ROSE